IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

THURSDAY, THE 4TH JANUARY 2007 / 14TH PAUSHA 1928

Crl.Rev.Pet.No. 1407 of 2006()

CRA.58/2002 of ADDL. SESSIONS COURT (ADHOC) III, PALAKKAD
CC.231/1998 of JUDL.MAGISTRATE OF FIRST CLASS COURT-II, PALAKKAD

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REVN. PETITIONER: 1ST APPELLANT/1ST ACCUSED

RAMESH, AGED 42 YEARS, S/O. KUTTIKRISHNAN, INDRAPRASTHAM, MOOTHEDAM, MUNDOOR, PALAKKAD DISTRICT.

BY ADV. SRI.SANTHEEP ANKARATH

RESPONDENTS: STATE

STATE OF KERALA, REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM REPRESENTING THE SUB INSPECTOR OF POLICE, KONGAD POLICE STATION.

BY PUBLIC PROSECUTOR SHRI SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 04/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. PADMANABHAN NAIR, J.

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CRL. R.P. NO. 1407 OF 2006

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Dated this the 4th day of January, 2007

O R D E R

Accused in C.C. No.321 of 1998 on the file of the Judicial First Clas Magistrate, Palakkad has filed this Criminal Revision Petition challenging the conviction and sentence imposed on him under Section 498A IPC. Petitioner, along with his parents were prosecuted for treating the defacto complainant, who is examined as P.W.1, with cruelty. She filed a complaint before the learned Magistrate which was forwarded to the Station House Officer under Section 156(3) Cr.P.C. for investigation and report. When the final report was filed, petitioner and his parents appeared before the Magistrate. Copies of relevant documents were furnished to them. Charges were framed under Section 498A IPC after hearing both sides. Petitioner and his parents were found guilty of an offence punishable under Section 498A IPC, convicted and sentenced by the trial court to undergo rigorous imprisonment for two years and to pay fine of Rs.1,000/- each. In default of payment of fine, they were sentenced to undergo

simple imprisonment for 4 months. They filed Crl. Appeal No.58 of 1992 before the Sessions Court, Palakkad. Learned Sessions Judge allowed the appeal in part. Conviction and sentence imposed on petitioner were confirmed and that of petitioner's parents were set aside and they were acquitted. Hence this Criminal Revision Petition.

2. In the Criminal Revision Petition petitioner prayed that this Court may invoke the inherent powers conferred under Section 482 Cr.P.C. and the judgment may be quashed. It is stated that subsequent to filing of this Criminal Revision Petition, disputes between the petitioner and his wife, defacto complainant, were settled out of court amicably and parties had agreed to withdraw all criminal and civil proceedings between them pending before various courts. An affidavit sworn to by the defacto complainant, attested by an Advocate is also produced. In that affidavit it is stated that disputes between herself and revision petitioner were resolved through mediation and settled and she has no interest in prosecuting the matter and she has no grievance against the revision petitioner. It is further stated that she will withdrew all other cases between herself and revision

petitioner pending before various courts.

3. Considering the facts and circumstances of the case, I am of the view that it is a fit case in which the petition filed by the petitioner can be treated as one filed under Section 320 of Criminal Procedure Code seeking permission to compound the offence under Section 498A IPC since disputes between husband and wife were settled. Petitioner has filed Crl.M.A. No.13189 of 2006 and today I have granted permission to the parties to compound the offence in that application. So it is only just and proper to compound the offence and set aside the conviction and sentence imposed on the revision petitioner.

In the result, Criminal Revision Petition is allowed. Conviction and sentence imposed on the revision petitioner are hereby set aside and he is acquitted of that offence under Section 329(8) of the Code of Criminal Procedure.

K. PADMANABHAN NAIR, JUDGE.

vsv

K. PADMANABHAN NAIR, J.

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CRL. R.P. NO.

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O R D E R

4TH JANUARY, 2007